

1 NEAL S. MANNE (94101)
2 RICHARD W. HESS (*pro hac vice*)
3 SUSMAN GODFREY L.L.P.
4 1000 Louisiana, Suite 5100
5 Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
nmanne@susmangodfrey.com
rhess@susmangodfrey.com

MARC SELTZER (54534)
STEPHEN E. MORRISSEY (187865)
KATHRYN P. HOEK (219247)
SUSMAN GODFREY L.L.P.
1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
mseltzer@susmangodfrey.com
smorrissey@susmangodfrey.com

Attorneys for Defendants Walmart.com USA LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

15 JAMES NOREM, on behalf of himself and others) Civil Action No. CV-09-00956-MJ
similarly situated,)
16 Plaintiff,) **DECLARATION OF KATHRYN P.**
17 v.) **HOEK IN SUPPORT OF**
18 NETFLIX, INC., and WALMART.COM USA LLC,) **ADMINISTRATIVE MOTION TO**
19 Defendants.) **CONSIDER WHETHER CASES**
20) **SHOULD BE RELATED**

1 I, Kathryn P. Hoek, declare as follows:

2 1. I am a member in good standing of the California State Bar, an attorney at the law
3 firm of Susman Godfrey LLP, and counsel of record for Defendant Walmart.com USA LLC in
4 *Norem v. Netflix, Inc.*, Case No. CV-09-00956-MJ. I make this declaration based on my personal
5 knowledge, and if called to testify to the contents, I could and would competently do so.

6 2. Attached as Exhibit 1 is a chart of the cases currently on file in the United States
7 District Court for the Northern District of California, that have been deemed related to *Resnick v.*
8 *Walmart.com USA LLC*, Case No. CV-09-00200-PJH (“*Resnick*”).

9 3. Attached as Exhibit 2 is a true and correct copy of the class action complaint in
10 *Norem v. Netflix, Inc.*, CV-09-00956-MJ (“*Norem*”), filed on January 28, 2009 in the Superior
11 Court of the State of California in and for the County of Santa Clara, and removed on March 4,
12 2009 to the United States District Court for the Northern District of California.

13 4. Attached as Exhibit 3 is a true and correct copy of the class action complaint in
14 *Resnick*, filed on January 2, 2009 in the United States District Court for the Northern District of
15 California.

16 5. Pursuant to Local Civil Rule 7-11, attached as Exhibit 4 is the stipulation reached
17 by the parties as to the relation of *Norem* and *Resnick*.

19 Dated: March 23, 2009

Respectfully submitted,

20 SUSMAN GODFREY L.L.P.

22 By: s/ Kathryn P. Hoek

23 Neal S. Manne
24 Richard W. Hess
25 1000 Louisiana Street, Suite 5100
26 Houston, Texas 77002
27 Telephone: (713) 651-9366
28 Facsimile: (713) 654-6666

26 Marc M. Seltzer
27 Stephen E. Morrissey
28 Kathryn P. Hoek
 1901 Avenue of the Stars, Suite 950
 Los Angeles, CA 90067

1 Telephone: (310) 789-3100
2 Facsimile: (310) 789-3150

3 *Attorneys for Defendants Walmart.com USA*
4 *LLC and Wal-Mart Stores, Inc.*

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28